

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)

v.)

Wesley Craig Lackey)

Date of Previous Judgment: 1/8/01)

(Use Date of Last Amended Judgment if Applicable))

Case No: 5:99CR71-4

USM No: 15111-058

Daniel Baker McIntyre III

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34

Amended Offense Level: 34

Criminal History Category: VI

Criminal History Category: VI

Previous Guideline Range: 262 to 327 months

Amended Guideline Range: 262 to 327 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

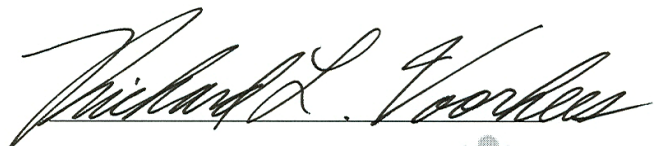
Because the defendant is a career offender, there is no change in the offense level. As such, the sentence will not change.

Except as provided above, all provisions of the judgment dated 1/8/01 shall remain in effect.

IT IS SO ORDERED.

Order Date: September 15, 2008

Effective Date: September 15, 2008
(if different from order date)



Richard L. Voorhees
United States District Judge



